

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

ORDER

Abdul Kalam Dhera

Vs. State of Rajasthan & Ors.

S.B.CR.MISC. PETITION NO.1231/2005

DATE OF ORDER

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November 02, 2006

PRESENT

HON'BLE MR.JUSTICE H.R.PANWAR

Mr. A.R.Nikub, for the petitioner.

Mr. N.Moolchandani, Public Prosecutor.

BY THE COURT:

By the instant criminal misc. petition under section 482 Cr.P.C., the petitioner has challenged the order dt. 27.9.2005 passed by the Additional Sessions Judge No.3, Jodhpur (for short 'the revisional court' hereinafter), whereby the revision petition filed by the petitioner against the order dt. 15.10.2004 passed by the Additional Chief Judicial Magistrate No.2, Jodhpur (for short 'the trial court' hereinafter) was allowed and the order dt. 15.10.2004 was set aside and the matter was remanded to the trial court to decide the application under section 91 Cr.P.C. by hearing both the parties in accordance with law.

I have heard learned counsel for the petitioner and the Public Prosecutor for the State.

The apprehension of the learned counsel for the petitioner is that by order dt. 15.10.2004, the petitioner was summoned by a bailable warrant. Learned counsel for the petitioner submits that the petitioner being an officer of RHJS will appear on the next date before the trial court at his own. On perusal of the order of the revisional court, it appears that the apprehension of the petitioner appears to be unfounded for the reason that the order dt. 15.10.2004 has been set aside by the revisional court as a whole and there is no question of summoning the petitioner by a bailable warrant or non-bailable warrant. However, the revisional court directed the parties to the revision to appear before the trial court on 19.10.2005.

In this view of the matter, the petitioner shall appear before the trial court at his own without there being any summon before the trial court on the next date fixed by the trial court.

The petition is accordingly disposed of. Stay petition also stands disposed of.

[H.R.PANWAR],J.

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